IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE ELEVENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

-

WRIT PETITION NO : 7939 of 2005

Between:

Mr. K. Vijaya Sekhara Reddy, S/o. Eshwar Reddy,

Hindu, Resident of No. 40, M.K.N. Colony,

Bhairagipeta, Tirupathi.

..... PETITIONER

AND

1 The Principal Secretary, Revenue,

Government of A.P., Secretariat, Hyderabad.
2 The District Collector, Collectarate, Chittoor District.
3 The Mandal Revenue Officer,

Renugunta Mandal, Renugunta, Chittoor District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ or Order or Direction declaring the in-action on the part of the respondents for non mutating the name of the petitioner and non issuance of the pass book and title book to the petitioner in respect of the property to an extent of 4 acres 52 cents in Sy.No. 198-1E situated at Kotramangalam Village, Renigunta Mandal, Renigunta, Chittoor District, as arbitrary, illegal, unjust and unsustainable and consequently direct the respondents to mutate the petitioner name in the revenue records and also to issue the pass book and title book to the petitioner, and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.B.VISWANATHA REDDY
Counsel for the Respondents: GP FOR REVENUE
The Court made the following:

ORDER:

This writ petition is filed aggrieved by the alleged inaction on the part of the respondents in not mutating the name of the petitioner in the revenue records and non-issuance of the pass book and title deed to the petitioner in respect of the property to an extent of Ac.4-52 cents in S.No.198-1E situated at Kotramangalam Village, Renigunta Mandal, Renigunta, Chittoor District.

The petitioner states that he submitted applications as long back as on 20-1-2003 and on 10-3-2004 for mutation of the revenue records by entering his name, and to issue pass book and title deed in his favour in respect of the land in question. His grievance is that the third respondent failed to take any further steps so far. Hence, this writ petition

Heard learned Counsel for the petitioner and also the learned Government Pleader for Revenue appearing for the respondents.

The learned Government Pleader for Revenue appearing for the respondents did not dispute the legal position that once an application is received for mutation of the revenue records, the Mandal Revenue Officer, who is the competent authority, has to make necessary enquiry as contemplated under Sub-Section (3) of Section 5 the A.P. Rights in Land and Pattadar Passbooks Act, 1971, and take necessary action to carry out the amendment in the record of rights. However, he submits that the petitioner failed to produce any material to show that the applications said to have been made by him in the year 2003 and 2004 were actually received in the office of the Mandal Revenue Officer.

In the circumstances, I deem it appropriate to dispose of the writ petition granting leave and liberty to the petitioner to make an appropriate application afresh seeking the mutation of the revenue records. If any such application is made, the third respondent shall receive the same and take necessary action in accordance with law, within a period of three months from the date of receipt of a copy of this order, by following the due procedure as contemplated under the A.P. Rights in Land and Pattadar Passbooks Act, 1971.

The writ petition is accordingly disposed of. There shall be no order as to costs.

---------- 11-04-2005

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Copy to:

1 The Principal Secretary, Revenue,

Government of A.P., Secretariat, Hyderabad.
2 The District Collector, Collectarate, Chittoor District.
3 The Mandal Revenue Officer,

Renugunta Mandal, Renugunta, Chittoor District.
4 Two CCs to the G.P. for Revenue,
High Court Buildings, High Court of A.P.,
Hyderabad. (O.U.T.)
5 Two CD copies